

1 SENATE BILL NO. 421

2 INTRODUCED BY GRIMES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN OFFICE OF DRUG CONTROL AND SUBSTANCE
5 ABUSE PREVENTION AND TREATMENT; ~~TEMPORARILY AMENDING THE NAME AND MEMBERSHIP OF~~
6 ~~THE BOARD OF CRIME CONTROL; ELIMINATING THE INTERAGENCY COORDINATING COUNCIL FOR~~
7 STATE PREVENTION PROGRAMS; AMENDING SECTION 2-15-2006, MCA; REPEALING SECTION 2-15-225,
8 MCA; AND PROVIDING AN EFFECTIVE DATE ~~AND A TERMINATION DATE.~~"

9

10 WHEREAS, there is a statewide multifaceted problem of alcohol and drug abuse and a need to expand
11 prevention, intervention, and treatment solutions to the problem; and

12 WHEREAS, methamphetamine abuse exemplifies the many issues involved, including extreme
13 addiction, the dangers to people created by the production of drugs, such as ingredients and residues, and the
14 broad range of public health issues, ranging from child endangerment and abandonment to infectious diseases,
15 violence, imprisonment, and death; and

16 WHEREAS, addictions involving alcohol, drugs, and tobacco often overlap for the same person and may
17 interact with mental illness or other forms of dependency; and

18 WHEREAS, an effective review of many of these problems has been undertaken by Governor Martz's
19 and Attorney General McGrath's Alcohol, Tobacco, and Other Drug Control Policy Task Force resulting in
20 numerous proposals to the 58th Legislature, including a proposal for a drug czar or advisory committee; and

21 WHEREAS, a planned and coordinated response by federal, state, and local governments, the criminal
22 justice system, the education system, prevention and treatment agencies, and citizen coalitions is essential to
23 effectively address and reduce substance abuse problems in Montana communities; and

24 WHEREAS, there is an immediate need to coordinate a state-level response to the problems of
25 substance abuse through prevention, treatment, and enforcement programs in order to promote public safety
26 and healthy families and communities in Montana.

27

28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

29

30 NEW SECTION. **Section 1. Purpose.** (1) It is the purpose of [sections 1 and 2] to:

- 1 (a) improve the coordination of the state's drug control, prevention, and treatment programs;
 2 (b) enhance interagency planning and cooperation;
 3 (c) encourage the sharing of information and resources; ~~and~~
 4 (d) improve law enforcement responses to substance abuse, while at the same time improving the
 5 provision of youth prevention services and the provision of treatment services to individuals and families
 6 suffering from substance abuse and dependency;

7 (E) PROVIDE A LIAISON WITH LOCAL COMMUNITY GROUPS; AND

8 (F) PROVIDE FOR THE APPLICATION, RECEIPT, AND ADMINISTRATION OF GRANTS.

- 9 (2) The first phase of this effort will concentrate on issues and programs operated at the state level in
 10 the departments of justice, corrections, and public health and human services and in the office of public
 11 instruction.

12

13 **NEW SECTION. Section 2. Office of drug control and substance abuse prevention and treatment.**

14 ~~(1) There is an office of drug control and substance abuse prevention and treatment. The office is allocated to~~
 15 ~~the department of justice for administrative purposes only as prescribed in 2-15-121. However, the office may~~
 16 ~~hire its own personnel, and 2-15-121(2)(d) does not apply. The office is attached to the board of crime control,~~
 17 ~~and the board shall, to the extent resources are available, provide secretarial services to the office.~~

18 ~~———(2) The governor shall appoint the director of the office of drug control and substance abuse prevention~~
 19 ~~and treatment.~~

20 ~~(3) The purpose of the office of drug control and substance abuse prevention and treatment~~ MONTANA
 21 BOARD OF PREVENTION is to:

22 ~~(a)(1)~~ (1) promote an increased cooperation and coordination between the major agencies of state
 23 government that have responsibilities for substance abuse enforcement, education, prevention, and treatment
 24 programs;

25 ~~(b)(2)~~ (2) ~~work~~ COORDINATE with the departments of justice, corrections, and public health and human
 26 services and the office of public instruction to identify and assess substance abuse enforcement, prevention,
 27 and treatment programs to:

28 ~~(i)(A)~~ (A) provide leadership and advocacy for a balanced and comprehensive approach to address the
 29 substance abuse and crime issues of the state;

30 ~~(ii)(B)~~ (B) assist in the development of a comprehensive drug control plan that includes coordinated

- 1 prevention, treatment, and law enforcement systems;
- 2 (iii)(C) assist agencies to implement uniform standards for establishing measurable program
- 3 benchmarks and outcomes that are aligned with the strategies in the comprehensive drug control plan;
- 4 (iv)(D) explore ways to improve planning, management, coordination, and information and resource
- 5 sharing;
- 6 (v)(E) explore integrated approaches to the administration of programs;
- 7 (vi)(F) coordinate standards for delivery of services; and
- 8 (vii)(G) examine innovative approaches to the coordination of services.
- 9 (4) ~~The office of drug control and substance abuse prevention and treatment shall report progress and~~
- 10 ~~any problems encountered on a quarterly basis to the board of crime control and to the governor.~~

11

12 ~~Section 3. Section 2-15-2006, MCA, is amended to read:~~

13 ~~"2-15-2006. Board of crime control -- composition -- allocation. (1) There is a board of crime control.~~

14 ~~(2) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.~~

15 ~~However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.~~

16 ~~(3) The board is composed of 18 23 20 members appointed by the governor in accordance with~~

17 ~~2-15-124 or as provided in subsection (4), and any special requirements of Title I of the Omnibus Crime Control~~

18 ~~and Safe Streets Act, as amended. The board shall be representative of state and local law enforcement and~~

19 ~~criminal justice agencies, including agencies directly related to the prevention and control of juvenile~~

20 ~~delinquency, units of general local government, and public agencies maintaining programs to reduce and control~~

21 ~~crime and shall include representatives of citizens and professional and community organizations, including~~

22 ~~organizations directly related to delinquency prevention.~~

23 ~~(4) The board shall include the director of the office of drug control and substance abuse prevention~~

24 ~~and treatment, the director of the department of public health and human services, the superintendent of public~~

25 ~~instruction, and two representatives appointed by the governor that represent professional and community~~

26 ~~organizations directly related to AND ONE substance abuse prevention and treatment services PROFESSIONAL."~~

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28 ~~NEW SECTION. Section 4. Repealer. Section 2-15-225, MCA, is repealed.~~

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30 SECTION 3. SECTION 2-15-225, MCA, IS AMENDED TO READ:

1 ~~"2-15-225. Interagency coordinating council for state~~ **Montana office of drug control and**
 2 **substance abuse prevention and treatment -- board of prevention programs.** (1) There is an interagency
 3 ~~coordinating council for state~~ Montana office of drug control and substance abuse prevention and treatment. The
 4 ~~office is represented by the board of~~ prevention programs consisting of the following members:

5 ~~(a) the governor provided for in 2-15-103 who shall be the presiding officer;~~

6 ~~(a)(b) the attorney general provided for in 2-15-501;~~

7 ~~(b) the director of the department of public health and human services provided for in 2-15-2201;~~

8 ~~(c) the superintendent of public instruction provided for in 2-15-701; and~~

9 ~~(d) the presiding officer of the Montana children's trust fund board;~~

10 ~~(e)(d) two persons~~ three community or tribal representatives appointed by the governor who have
 11 experiences related to the private or nonprofit provision of drug control and substance abuse prevention and
 12 treatment programs and services;

13 ~~(f) the administrator of the board of crime control provided for in 2-15-2006;~~

14 ~~(g) the commissioner of labor and industry provided for in 2-15-1701;~~

15 ~~(h) the director of the department of corrections provided for in 2-15-2301;~~

16 ~~(i) the state coordinator of Indian affairs provided for in 2-15-217;~~

17 ~~(j) the adjutant general of the department of military affairs provided for in 2-15-1202;~~

18 ~~(k) the director of the department of transportation provided for in 2-15-2501;~~

19 ~~(l) the commissioner of higher education provided for in 2-15-1506; and~~

20 ~~(m) the designated representative of a state agency desiring to participate who is accepted as a~~
 21 ~~member by a majority of the current coordinating council members.~~

22 (2) Except for the initial appointments, each appointed board member shall serve a 4-year term and may
 23 be reappointed for one additional term. The governor shall appoint members to staggered terms with one
 24 member appointed to an initial term of 2 years, one member appointed to an initial term of 3 years, one member
 25 appointed to an initial term of 4 years. The members shall serve on the board without compensation.

26 ~~(2)(3) The coordinating council~~ board shall perform the following duties:

27 ~~(a) develop, through interagency planning efforts, a comprehensive and coordinated prevention~~
 28 ~~program delivery system that will strengthen the healthy development, well-being, and safety of children,~~
 29 ~~families, individuals, and communities;~~

30 ~~(b) develop appropriate interagency prevention programs and services that address the problems of~~

1 ~~at-risk children and families and that can be provided in a flexible manner to meet the needs of those children~~
2 ~~and families;~~

3 ~~——— (c) study various financing options for prevention programs and services;~~

4 ~~——— (d) ensure that a balanced and comprehensive range of prevention services is available to children and~~
5 ~~families with specific or multiagency needs;~~

6 (a) support a comprehensive and coordinated drug control and substance abuse prevention and
7 treatment system that will strengthen Montana children, families, and communities;

8 (b) provide leadership and advocacy for a balanced and comprehensive range of drug control and
9 substance abuse prevention and treatment efforts with the public and state, local, and tribal policymakers;

10 ~~(e)(c)~~ assist in development of cooperative partnerships among state agencies and community-based
11 public and private providers of drug control and substance abuse prevention and treatment programs;

12 ~~(f) prepare and present to the legislature and to the appropriate standing and interim legislative~~
13 ~~committees a unified budget for state prevention programs, which must be published in the governor's executive~~
14 ~~budget; and~~

15 ~~(g)(d) develop, maintain, and implement~~ establish goals and benchmarks for state prevention programs
16 to meet the purposes provided in [sections 1 and 2]. As used in this subsection, "benchmark" means a specified
17 reference point in the future that is used to measure the state of affairs at that point in time and to determine
18 progress toward or the attainment of an ultimate goal, which is an outcome reflecting the desired state of affairs.

19 ~~(3)(4)~~ The ~~coordinating council~~ board shall cooperate with and report to any standing or interim
20 legislative committee that is assigned to study the policies and funding for drug control and substance abuse
21 prevention and treatment programs or other state programs and policies related to children and families, and
22 shall present a biennial report of findings and recommendations to the legislature as provided in 5-11-210.

23 ~~(4) The coordinating council must be compensated, reimbursed, and otherwise governed by the~~
24 ~~provisions of 2-15-122.~~

25 (5) The ~~coordinating council~~ board is attached for administrative purposes only to the governor's office,
26 which may assist the ~~council~~ board by providing staff and budgetary, administrative, and clerical services that
27 the ~~council~~ board or its presiding officer requests.

28 (6) Staffing and other resources may be provided to the ~~coordinating council~~ board only from state and
29 nonstate resources donated to the ~~council~~ board and from direct appropriations by each legislature."
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